

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KEN PAXTON, in his official capacity as §
Attorney General of Texas, §
DAVID SCHNITZ, §
TRACY MARTIN, and §
FLOICE ALLEN, §
Plaintiffs, §

vs. §

Civil Action No. 4:22-cv-00143-P

STEVEN M. DETTELBAACH, in his §
Official Capacity as Director, Bureau of §
Alcohol, Tobacco, Firearms and Explosives, §
and §
MERRICK B. GARLAND, in his §
Official Capacity as Attorney General §
of the United States, §
Defendants. §

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Plaintiffs Ken Paxton, in his official capacity as Attorney General of Texas, David Schnitz, Tracy Martin, and Floice Allen file this motion for summary judgment.

As set forth more fully in the brief filed in support of this motion, Plaintiffs' motion for summary judgment should be granted because (1) Plaintiffs have standing, (2) the Anti-Injunction Act does not apply to Counts I, III, and IV, does not apply to Count II in the case of a denied or unapproved application, and does not apply to any of the county under the *Enochs* exception, and (3) the regulatory scheme governing the making of firearm suppressors in Texas for non-commercial, personal use in Texas violates the Second Amendment.

For the reasons discussed here and in Plaintiffs' brief in support, the Court should deny Defendant's Motion to Dismiss.

Respectfully submitted,

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CERTIFICATE OF SERVICE

We certify that a true and accurate copy of the foregoing document was filed electronically
(via CM/ECF) on February 6, 2023.

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